

Remarks

The present application has once again been carefully reviewed in light of the most recent and final Office Action issued subsequent to the Request for Continued Examination (RCE) and the Rejections as set forth therein as well as the comments of the Examiner which have been duly noted.

The Examiner has indicated in the most recent Advisory Action that the previously amended claims raise "new issues requiring a novel (sic.) search and further consideration". Accordingly, the present Amendment is submitted along with a second Request for Continued Examination (RCE).

It will be noted, that an additional limitation has now been added to parent claim 1 relating to the cutting line.

The Examiner has in the final rejection maintained her rejection of claims 1 through 8 under 35 U.S.C. §103(a) as being unpatentable over the published Japanese Patent Application No. 2-353 U, taken in view of the U.S. Patent of Barbieri 4,004,362.

Barbieri concerns an adhesive wire marker tape having an adhesive layer and a backing. The key to this device is the provision of a pair of spaced-apart holes or apertures through which the wire to be marked is inserted. Thereafter, the backing layer is removed. The adhesive element is then folded over to form an identification flag on the wire. This is an

entirely different concept from that of the present applicants.

The Examiner admits in the final rejection that the Japanese publication fails to show a cutting line penetrating through the tape body and the release sheet in the same location.

It is the perception of the Examiner that it would be obvious to one of ordinary skill in the art to have provided a cutting line penetrating through the tape body and the release sheet in the same location in the Japanese published application 2-353U, to protect the adhesive while controlling the removal of the backing layer as taught by Barbieri.

Claim 1 relates to the embodiment of the invention shown in Figure 7 and includes the limitations of previous claims 2 and 3 which were cancelled.

Claim 4 corresponds to the embodiment of Figure 1 was amended to include additional limitations in order to clarify the invention. In addition, claims 5 and 7 were previously amended.

It is applicant's contention that the rather specific recitations now in claim 1 are patentably distinguishable from the cited and combined prior art, Japanese publication and Barbieri.

The salient features of the invention as set forth in amended Claim 1 are that "the cutting line **L** is provided on a

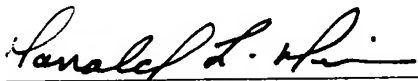
portion of one end periphery **4a** of the tape body **4** so that the positioning tab **24** is previously separated from the tape body **4** other than the cutting line **L**," and the release sheet **12** is provided on the entire area of the rear side of the tape body **4** and has a slit **S** that is formed adjacent to the cutting line **L** so as to be peeled while leaving a portion **12a** thereof."

Neither the Japanese publication nor Barbieri either teach or suggest these inventive features of the claimed invention.

In order to provide the Examiner with a better understanding of the invention, two commercial samples of the claimed invention were previously submitted for the Examiner's consideration. One sample depicts the Fig. 1 embodiment and the second shows the Fig. 7 embodiment of our invention.

In light of the present amendment to the parent claim and the arguments advanced above, reconsideration of the rejection is respectfully solicited.

Respectfully submitted,

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